

Message Text

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ORIGIN EB-07

INFO OCT-01 AF-04 ISO-00 L-02 JUSE-00 FTC-01 CIAE-00

INR-05 NSAE-00 RSC-01 COME-00 /021 R

DRAFTED BY EB/CBA/BP:RJBUSHNELL/L/AF:CASCHMITZ

APPROVED BY EB/CBA/BP:HJWINTER

AF/S:RJDOLS

L/EB - TTALLERICO (PHONE)

JUSTICE - DROSENTHAL (SUBS)

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P R 161652Z DEC 74

FM SECSTATE WASHDC

TO AMEMBASSY PRETORIA PRIORITY

AMCONSUL JOHANNESBURG PRIORITY

INFO AMCONSUL CAPE TOWN

C O N F I D E N T I A L STATE 274895

E.O. 11652: GDS

TAGS: ETRD, US, SF

SUBJECT: ANTITRUST: INVESTIGATION OF THE INTERNATIONAL
DIAMOND TRADE

CAPE TOWN FOR EMBASSY

1. AS POSTS AWARE, THE DEPARTMENT OF JUSTICE HAS BEEN
CONDUCTING A FEDERAL GRAND JURY INVESTIGATION CONCERNING
PRACTICES IN INTERNATIONAL INDUSTRIAL DIAMOND TRADE.
INVESTIGATION IS FOCUSED ON POSSIBLE RESTRAINTS OF TRADE
IN THE UNITED STATES OR OUTSIDE THE U.S. BUT DIRECTLY
AFFECTING THE U.S. MARKET.

2. IN CONNECTION WITH INVESTIGATION, JUSTICE DEPARTMENT
HAS ASKED THAT ADDRESSEE POSTS SEEK ANY AVAILABLE INFOR-
MATION INDICATING THAT THE FOLLOWING COMPANIES INCORPORA-
TED IN SOUTH AFRICA -- (A) ANGLO AMERICAN CORPORATION OF
SOUTH AFRICA, (B) ANGLO AMERICAN INVESTMENT TRUST
LIMITED, (C) DEBEERS CONSOLIDATED MINES LIMITED, (D)
DEBEERS INDUSTRIAL DIAMOND DIVISION LIMITED, (E) BOART
AND HARD METAL PRODUCTS SA LIMITED -- HAVE ANY DIRECT OR
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INDIRECT INTEREST IN ANY OF THE FOLLOWING COMPANIES:

(A) LONGYEAR COMPANY (INCORPORATED IN DELAWARE), (B) LONGYEAR INTERNATIONAL B.V. (INCORPORATED IN THE NETHERLANDS), (C) DIAMOND ABRASIVE CORPORATION (INCORPORATED IN NEW YORK).

3. IN ADDITION, JUSTICE WOULD APPRECIATE FOLLOWING INFORMATION CONCERNING BOART AND HARD METAL PRODUCTS SA LIMITED:

-- (A) NAMES AND ADDRESSES OF ALL OFFICERS AND DIRECTORS;

-- (B) NAMES AND ADDRESSES OF SHAREHOLDERS HOLDING MORE THAN ONE PERCENT OF THE STOCK OF THE CORPORATION;

-- (C) NAMES AND ADDRESSES OF ALL COMPANIES IN WHICH THE CORPORATION HOLDS DIRECTLY OR INDIRECTLY MORE THAN A ONE PERCENT INTEREST;

-- (D) THE NAME OF EACH PRODUCT MANUFACTURED OR SOLD BY THE CORPORATION, THE DOLLAR OR RAND VOLUME, AND THE SHARE OF THE RESPECTIVE MARKET (I.E. SOUTH AFRICA OR THE WORLD);

-- (E) THE NAME OF EACH SERVICE (I.E. MINING AND PETROLEUM DRILLING) PERFORMED BY THE CORPORATION, THE DOLLAR OR RAND VOLUME, AND THE SHARE OF THE RESPECTIVE MARKET (I.E. SOUTH AFRICA OR THE WORLD); AND

-- (F) THE LATEST ANNUAL REPORT.

4. THE LATEST ANNUAL REPORTS FOR THE FOLLOWING COMPANIES WOULD ALSO BE APPRECIATED: (A) ANGLO AMERICAN CORPORATION OF SOUTH AFRICA, AND (B) DEBEERS CONSOLIDATED MINES LIMITED.

5. IF INFORMATION REQUESTED IS NOT AVAILABLE IN COMMERCIAL PUBLICATIONS HELD BY EMBASSY OR OTHERWISE PROCURABLE, JUSTICE BELIEVES THAT INFORMATION CAN BE GAINED FROM SAG FILES "COMPANY'S HOUSE" AND "SHARE REGISTRATION".

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TER", WHICH, ACCORDING TO JUSTICE, CONTAIN MATTERS OF PUBLIC RECORD AND ARE FREELY AVAILABLE TO THE PUBLIC WITHOUT REGARD TO NATIONALITY.

6. OWING TO POSSIBLY UNSETTLED CONDITIONS RESPECTING INQUIRY INTO SOUTH AFRICAN BUSINESSES AS A RESULT OF THE SECOND GENERAL LAW AMENDMENT PROHIBITING FURNISHING OF INFORMATION ABOUT BUSINESS, AND OWING TO WISH OF

JUSTICE DEPARTMENT THAT POSTS' INQUIRIES REMAIN CONFIDENTIAL IF AT ALL POSSIBLE, POSTS MAY WISH TO ARRANGE FOR THIRD PARTY TO SEARCH RECORDS OF COMPANY'S HOUSE AND SHARE REGISTER. NOTWITHSTANDING INDICATIONS THAT THE STATUTORY WORDS ARE INTENDED TO BE CONSTRUED AS TERMS

OF ART, DEPARTMENT HAS NO WISH AT THIS TIME TO PRECIPITATE TEST OF EXTENT OF NEW SOUTH AFRICAN LEGISLATION CONCERNING BUSINESS INFORMATION.

7. PLEASE CABLE ASAP REQUESTED INFORMATION AND POUCH ASAP AVAILABLE ANNUAL REPORTS. INGERSOLL

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: ANTITRUST, DIAMONDS
Control Number: n/a
Copy: SINGLE
Draft Date: 16 DEC 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: ElyME
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1974STATE274895
Document Source: CORE
Document Unique ID: 00
Drafter: RJBUSHNELL/L/AF:CASCHMITZ
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D740364-0941
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19741232/aaaabawj.tel
Line Count: 127
Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN EB
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators:
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: ElyME
Review Comment: n/a
Review Content Flags:
Review Date: 03 JUL 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <03 JUL 2002 by martinml>; APPROVED <24 MAR 2003 by ElyME>
Review Markings:

Declassified/Released
US Department of State
EO Systematic Review
30 JUN 2005

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: ANTITRUST: INVESTIGATION OF THE INTERNATIONAL DIAMOND TRADE
TAGS: ETRD, US, SF
To: PRETORIA JOHANNESBURG
Type: TE
Markings: Declassified/Released US Department of State EO Systematic Review 30 JUN 2005